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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,854	12/12/2001	Brian Holtz	0007056-0224/P5925	3928

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EXAMINER	
CHOJNACKI, MELLISSA M	

ART UNIT	PAPER NUMBER
2175	4

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,854	HOLTZ ET AL.	
	Examiner	Art Unit	
	Mellissa M Chojnacki	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Specification

1. The arrangement of the disclosed application does not conform with 37 CFR 1.77(b).

Section headings are underlined throughout the disclosed specification.

Section headings should not be underlined and/or **boldfaced**. Appropriate corrections are required according to the guidelines provided below:

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
(e) BACKGROUND OF THE INVENTION.
(1) Field of the Invention.
(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(f) BRIEF SUMMARY OF THE INVENTION.
(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(h) DETAILED DESCRIPTION OF THE INVENTION.
(i) CLAIM OR CLAIMS (commencing on a separate sheet).
(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The abstract contains the phrase "said changes" in line 3. The abstract should not contain "said ". Correction is required.

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. Trademarks (e.g. "Motorola") are used in non-capital letter format in specifications.

The use of the trademarks MOTOROLA, INTEL and PENTIUM have been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

6. The disclosure is objected to because of the following informalities:

In "Related Application" and "File Tree Reconciler" sections of the application, applicant needs supply the missing data or delete the blank lines "Non-Provisional Patent Application No._____" and "filed on____".

Appropriate correction is required.

Claim Objections

7. Claims 12-13 are objected to because of the following informalities:

Claim 12 ends with two periods. Correction is required.

Claim 13 is objected to because it is dependent from objected to dependent claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 14 and 15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14 and 15 recite the limitation "The computer program product of claim 10" in line 1. There is insufficient antecedent basis for these limitations in the claim. For the purpose of examination, the examiner is making the assumption that claims 14 and 15 are indeed dependent from claim 11 (not claim 10). Correction is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 4-6, 9-11, 14-16 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Neeman et al. (U.S. Patent No. 5,588,147).

As to claim 1, Neeman et al. teaches a method of reconciling changes made to a first file tree and a second file tree comprising (See column 1, lines 45-46):

receiving a first change log corresponding to the first file tree and a second change log corresponding to the second file tree (See column 1, lines 43-44; column 2, lines 2-3);

determining a first set of changes to make to the first file tree using the second change log (See column 2, lines 5-8);

determining a second set of changes to make to the second file tree using the first change log (See column 1, lines 47-48); and

reconciling the first and the second file trees using the first and the second set of the change logs (See column 1, lines 51-56; column 2, lines 5-8);

As to claims 4, 9, 14 and 19, Neeman et al teaches wherein the first file tree resides on a client (See column 1, lines 31-36; column 2, lines 25-26, where the client resides on a first computer system); wherein the first file tree resides on a client (See column 1, lines 31-36; column 2, lines 25-26, where the client resides on a first computer system); wherein the first file tree resides on a client (See column 1, lines 31-36; column 2, lines 25-26, where the client resides on a first computer system); wherein the first file tree resides on a client (See column 1, lines 31-36; column 2, lines 25-26, where the client resides on a first computer system).

As to claims 5, 10, 15 and 20, Neeman et al teaches wherein the second file tree resides on a server (See column 1, lines 31-36; column 2, lines 26-27, where the sever resides on a second computer system); wherein the second file tree resides on a server (See column 1, lines 31-36; column 2, lines 26-27, where the sever resides on a second computer system); wherein the second file tree resides on a server (See column 1, lines 31-36; column 2, lines 26-27, where the sever resides on a second computer system); wherein the second file tree resides on a server (See column 1, lines 31-36; column 2, lines 26-27, where the sever resides on a second computer system).

As to claim 6, Neeman et al. teaches an article of manufacture comprising (See column 1, lines 13-17, where "an article of manufacture" is read on "a product"):

a computer usable medium having computer readable program code embodied therein for reconciling changes made to a first file tree and second file tree (See column 1, lines 42-46. It is inherent that computer systems have "readable program code"); the computer readable program code in the article of manufacture comprising (See column 1, lines 13-17; lines 42-46):

computer readable program code configured to cause the computer to receive a first change log corresponding to the first file tree and a second change log corresponding to the second file tree (See column 1, lines 43-44; column 2, lines 2-3. It is inherent that computer systems have "readable program code").

computer readable program code configured to cause the computer to determine a first set of changes to make to the first file tree using the second change log (See column 2, lines 5-8. It is inherent that computer systems have "readable program code").

computer readable program code configured to cause the computer to determine a second set of changes to make to the second file tree using the first change log (See column 1, lines 47-48. It is inherent that computer systems have "readable program code"); and

computer readable program code configured to cause the computer to reconcile the first file tree and the second file tree using the first and the second set of change

logs (See column 1, lines 51-56; column 2, lines 5-8. It is inherent that computer systems have "readable program code").

As to claim 11, Neeman et al. teaches, a computer program product comprising (See column 1, lines 13-17, where a "computer program product" is read on "a software product"):

a computer usable medium having computer readable program code embodied therein configured to reconcile changes made to a first and a second file tree (See column 1, lines 42-45. It is inherent that computer systems have "readable program code"); the computer program product comprising:

computer readable code configured to cause a computer to receive a first change log corresponding to a first file tree and a second change log corresponding to a second file tree (See column 1, lines 43-44; column 2, lines 2-3. It is inherent that computer systems have "readable program code");

computer readable code configured to cause a computer to determine a first set of changes to make to the first file tree using the second change log (See column 2, lines 5-8. It is inherent that computer systems have "readable program code");

computer readable code configured to cause a computer to determine a second set of changes to make to the second file tree using the first change log (See column 1, lines 47-48. It is inherent that computer systems have "readable program code"); and

computer readable code configured to cause a computer to reconcile the first and the second file trees using the first and the second set of change logs (See column 1,

lines 51-56; column 2, lines 5-8. It is inherent that computer systems have "readable program code").

As to claim 16, Neeman et al. teaches, a system for reconciling changes made to a first and a second file tree comprising (See abstract, where "a system" is read on "a facility"; and see column 1, lines 45-46):

receiving a first change log corresponding to a first file tree and a second change log corresponding to a second file tree (See column 1, lines 43-44; column 2, lines 2-3);

determining a first set of changes to make to the first file tree using the second change log (See column 2, lines 5-8);

determining a second set of changes to make to the second file tree using the first change log (See column 1, lines 47-48); and

reconciling the first and the second file trees using the first and the second set of change logs (See column 1, lines 51-56; column 2, lines 5-8).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 2, 7, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neeman et al (U.S. Patent No. 5,588,147), in view of Pruett et al. (U.S. Patent No. 5,778,389).

As to claims 2, 7, 12 and 17 Neeman et al does not teach detecting one or more changes in the first set that conflict with the second set; computer readable program code configured to cause the computer to detect one or more changes in the first set that conflict with the second set; computer readable code configured to detect one or more changes in the first set that conflict with the second set; detecting one or more changes in the first set that conflict with the second set.

Pruett et al. teaches a method and system for synchronizing computer file directories (See Abstract), in which he teaches detecting one or more changes in the first set that conflict with the second set (See column 2, lines 9-19; lines 21-25); computer readable program code configured to cause the computer to detect one or more changes in the first set that conflict with the second set (See column 2, lines 9-19; and lines 21-25. It is inherent that computer systems have "readable program code"); computer readable code configured to detect one or more changes in the first set that conflict with the second set (See column 2, lines 9-19; and lines 21-25. It is inherent that computer systems have "readable program code"); detecting one or more changes in the first set that conflict with the second set (See column 2, lines 9-19; lines 21-25).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Neeman et al to include detecting one or more changes in the first set that conflict with the second set; computer

readable program code configured to cause the computer to detect one or more changes in the first set that conflict with the second set; computer readable code configured to detect one or more changes in the first set that conflict with the second set; detecting one or more changes in the first set that conflict with the second set.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Neeman et al by the teachings of Pruett et al., because detecting one or more changes in the first set that conflict with the second set; computer readable program code configured to cause the computer to detect one or more changes in the first set that conflict with the second set; computer readable code configured to detect one or more changes in the first set that conflict with the second set; detecting one or more changes in the first set that conflict with the second set, would substantially reduce or eliminate disadvantages associated with prior systems and methods such as redundant copying of data from source (client) directory to the target (server) directory (See Pruett et al. column 1, lines 64-67; column 2, lines 24-25).

14. Claims 3, 8, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neeman et al (U.S. Patent No. 5,588,147), in view of Pruett et al. (U.S. Patent No. 5,778,389), as applied to claims 2, 7, 12 and 17 above, and further in view of Huang et al. (U.S. Patent No. 6,343,299).

As to claims 3, 8, 13 and 18, Neeman et al as modified, still does not teach wherein detecting one or more changes that conflict comprises:

generating the conflict list; computer readable program code configured to cause the computer to generate a conflict list; computer readable code configured to generate a conflict list; wherein detecting one or more changes that conflict comprises:

generating the conflict list.

Huang et al. teaches a method and apparatus for random update synchronization among multiple computing devices (See abstract), in which he teaches wherein detecting one or more changes that conflict comprises:

generating the conflict list (See column 6, lines 7-9; lines 12-14; lines 18-20); computer readable program code configured to cause the computer to generate a conflict list (See column 6, lines 7-9; lines 12-14; lines 18-20); computer readable code configured to generate a conflict list (See column 6, lines 7-9; lines 12-14; lines 18-20); wherein detecting one or more changes that conflict comprises:

generating the conflict list (See column 6, lines 7-9; lines 12-14; lines 18-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Neeman et al as modified, to include wherein detecting one or more changes that conflict comprises:

generating the conflict list; computer readable program code configured to cause the computer to generate a conflict list; computer readable code configured to generate a conflict list; wherein detecting one or more changes that conflict comprises:

generating the conflict list.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Neeman et al as modified, by the teachings of

Huang et al., because a file tree wherein detecting one or more changes that conflict comprises:

generating the conflict list; computer readable program code configured to cause the computer to generate a conflict list; computer readable code configured to generate a conflict list; wherein detecting one or more changes that conflict comprises:

generating the conflict list, would determine whether versions of a file conflict with one another in order to get resolved by the user/application much faster than reading each file separately.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to the File Tree Change Reconciler in general:

U.S. Patent No. 6,243,705 to Kucala, for disclosing a method and apparatus for synchronizing information on two different computer systems.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mellissa M. Chojnacki whose telephone number is 730-305-8769. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MMC November 2003

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100